

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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LEANDRO VALDEZ MORONTA and
JAIME BARRANCO MENDOZA,
*individually and on behalf of others similarly
situated,*

Case No. 19-cv-04289

Plaintiff,

**ORDER OF
JUDGMENT**

-against-

E & M FOOD MARKET CORP. (D/B/A
KEY FOOD) and MIGUEL MARTINEZ,

Defendants.

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WHEREAS on or about March 5, 2020, Defendants E & M FOOD MARKET CORP.
(D/B/A KEY FOOD) and MIGUEL MARTINEZ extended to Plaintiffs LEANDRO VALDEZ
MORONTA and JAIME BARRANCO MENDOZA an offer of judgment pursuant to Rule 68 of
the Federal Rules of Civil Procedure in the amount of ten-thousand dollars and zero cents
(\$10,000), and whereas said Plaintiffs accepted said offer on or about March 6, 2020, it is hereby

ORDERED that judgment shall be entered in favor said Plaintiffs against said
Defendants in the amount of ten-thousand dollars and zero cents (\$10,000.00); and it is further

ORDERED that Plaintiffs' counsel shall serve a copy of this order upon Defendants'
counsel of record within seven (7) days of entry of this Order.

Dated: May 7, 2020
New York, NY

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LEANDRO VALDEZ MORONTA and JAIME BARRANCO
MENDOZA, individually and on behalf of others
similarly situated,

Plaintiff,

- against -

E & M FOOD MARKET CORP. (D/B/A KEY FOOD) and
MIGUEL MARTINEZ,

Defendants.

Case No. 19-cv-04289

**OFFER OF JUDGMENT
PURSUANT TO RULE 68**

TO:

Jordan Gottheim
Michael Faillace & Associates, P.C.
60 East 42nd Street
Ste 4510
New York, NY 10165
631-921-5568
Email: jgottheim@faillacelaw.com
Attorneys for Plaintiffs

PLEASE TAKE NOTICE THAT, Defendants, E & M FOOD MARKET CORP. (D/B/A KEY FOOD) and MIGUEL MARTINEZ, ("Defendants") hereby offer to allow entry of judgment to be taken against them pursuant to Rule 68 of the Federal Rules of Civil Procedure as follows: a judgment in favor of Plaintiffs LEANDRO VALDEZ MORONTA and JAIME BARRANCO MENDOZA and against Defendants, jointly and severally, in the sum of **\$10,000.00** (Ten Thousand Dollars and Zero Cents). This shall be the total amount to be paid by Defendants on account of any and all liability claimed in this action by Plaintiffs, including attorney's fees, costs, and pre-judgment interests accrued to date.

If Plaintiffs do not accept this offer, they may become obligated to pay Defendants' costs incurred after the making of this offer in the event that they do not recover a judgment

that is more favorable than this offer of judgment pursuant to Rule 68(d) of the Federal Rules of Civil Procedure.

To accept this offer, Plaintiffs must serve written notice of acceptance thereof within fourteen (14) days of this date this offer is made; otherwise, it will be deemed withdrawn.

This offer is not to be construed in any way as an admission of liability by the Defendants, but rather is made solely for the purpose of compromising a dispute claim.

Dated: Flushing, New York
March 5, 2020

HANG & ASSOCIATES, PLLC

By: /s/ Zindzi Baugh Corbett
Zindzi Baugh Corbett, Esq.
136-20 38th Ave., Suite #10G
Flushing, New York 11354
Tel: (718) 353-8588
Email: zbaughcorbett@hanglaw.com
Attorneys for the Defendants

CERTIFICATE OF SERVICE

I hereby certify that on this date, I served a true and correct copy of the within Offer of Judgment pursuant to Federal Rules of Civil Procedure 68 by e-mail and USPS mail, to counsel of record at the following address:

Jordan Gottheim
Michael Faillace & Associates, P.C.
60 East 42nd Street
Ste 4510
New York, NY 10165
631-921-5568
Email: jgottheim@faillacelaw.com
Attorneys for Plaintiff

Dated: Flushing, New York
March 5, 2020

HANG & ASSOCIATES, PLLC

By: s/ Zindzi Baugh Corbett
Zindzi Baugh Corbett, Esq.
136-20 38th Avenue Suite 10G
Flushing, New York 11354
Phone: 718.353.8588
Fax: 718.353.6288
E-mail: zbaughcorbett@hanglaw.com
Attorneys for Defendants

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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LEANDRO VALDEZ MORONTA and
JAIME BARRANCO MENDOZA,
*individually and on behalf of others similarly
situated,*

Plaintiff,

-against-

E & M FOOD MARKET CORP. (D/B/A
KEY FOOD) and MIGUEL MARTINEZ,

Defendants.

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Case No. 19-cv-04289

**PLAINTIFFS' ACCEPTANCE OF
DEFENDANTS' RULE 68 OFFER
OF JUDGMENT**

Plaintiffs LEANDRO VALDEZ MORONTA and JAIME BARRANCO, by and through their undersigned counsel, hereby confirm receipt of the Offer of Judgment, dated March 5, 2020, pursuant to Rule 68 of the Federal Rules of Civil Procedure, of Defendants E & M FOOD MARKET CORP. (D/B/A KEY FOOD) and MIGUEL MARTINEZ. Plaintiffs LEANDRO VALDEZ MORONTA and JAIME BARRANCO MENDOZA hereby accept said Offer of Judgment.

Dated: New York, New York

March 6, 2020

MICHAEL FAILLACE & ASSOCIATES, P.C.

By: /s/ Jordan Gottheim
Jordan Gottheim, Esq.
60 East 42nd Street, Suite 4510
New York, New York 10165
jgottheim@faillacelaw.com
Telephone: (212) 317-1200
Facsimile: (212) 317-1620
Attorneys for Plaintiffs

AFFIRMATION OF SERVICE

I, Jordan Gottheim, a natural person over the age of eighteen and not a party to this lawsuit, affirm that on this sixth day of March, 2020, I caused PLAINTIFFS' ACCEPTANCE OF DEFENDANTS' RULE 68 OFFER OF JUDGMENT to be served upon Defendants, via email and regular mail to their counsel, at the email and physical addresses below:

ZINDZI BAUGH CORBETT, ESQ.

DIANA Y. SEO, ESQ.

Hang & Associates, PLLC

136-20 38th Avenue, Suite 10G

Flushing, New York 11354

zbaughcorbett@hanglaw.com

Dseo@hanglaw.com

/s/ Jordan Gottheim

JORDAN GOTTHEIM